

(*Chap. XIV.—Municipal Fire-Brigade. Sec. 364.*
Chap. XV.—Sanitary Provisions. Secs.
365-367.)

fire-brigade, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

364. A report of every fire which occurs in the city shall be submitted by the chief or other officer in charge of the fire-brigade, not later than the day following the fire, to the Commissioner, who shall make such further inquiry, if any, as he may deem necessary and shall furnish a weekly return of all fires which occur in the city to the standing committee.

Reports of fires to be submitted.

CHAPTER XV.

SANITARY PROVISIONS.

Scavenging and Cleansing.

365. For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall take measures for securing—

Commissioner to provide for cleansing of streets and removal of refuse.

(a) the daily surface-cleansing of all streets in the city and the removal of the sweepings therefrom;

(b) the removal of the contents of all receptacles and depôts and of the accumulations at all places provided or appointed by him under section 367 or 368 for the temporary deposit of any of the matters specified in the said sections.

366.—All matters collected by municipal servants or contractors in pursuance of the last preceding section and of section 369 shall be the property of the corporation.

Refuse, &c., to be the property of the corporation.

367. (1) The Commissioner shall provide or appoint in proper and convenient situations public receptacles, depôts and places for the temporary deposit or final disposal of—

Provision and appointment of receptacles, depôts and places for refuse, &c.

(a) dust, ashes, refuse and rubbish;

*(Chap. XV.—Sanitary Provisions.
Secs. 368-369.)*

(b) carcasses of dead animals, and excrementitious and polluted matter :

(2) Provided that—

(c) the said matters shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without the sanction of the corporation or in any place or manner which Government think fit to disallow ;

(d) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

Duty of occupiers to collect and deposit dust, &c.

368. (1) It shall be incumbent on the occupiers of all premises to cause all dust, ashes, refuse and rubbish to be collected from their respective premises and to be deposited at such times as the Commissioner, by public notice, from time to time prescribes, in the public receptacle, depôt or place provided or appointed under clause (a) of the last preceding section for the temporary deposit thereof :

(2) Provided that the Commissioner may, if he thinks fit, by written notice, require the occupier or owner of any land to cause all dust, ashes, refuse and rubbish to be collected daily, or otherwise periodically, from the said land and from any building standing thereon and deposited temporarily upon any place forming a part of the said land which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier to cause the said matters to be collected and deposited accordingly.

Provision may be made by Commissioner for collection, &c., of excrementitious and polluted matter.

369. When the Commissioner has given public notice, under clause (a) of section 142, of his intention to provide, in a certain portion of the city, for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools, it shall be lawful for the Commissioner to take measures for the daily collection, removal and disposal of such matter from all premises situate in the said portion of the city.

(*Chap. XV.—Sanitary Provisions.*
Secs. 370-372.)

370. It shall be incumbent on the occupier of any premises situate in any portion of the city for which the Commissioner has not given a public notice under clause (a) of section 142 and in which there is not a water-closet or privy connected with a municipal drain, to cause all excrementitious and polluted matter accumulating upon his premises to be collected and to be conveyed to the nearest receptacle or depôt provided for this purpose under clause (b) of section 367, at such times, in such vehicle or vessel, by such route and with such precautions, as the Commissioner by public notice from time to time prescribes.

Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.

371. In any portion of the city in which the Commissioner has given a public notice under clause (a) of section 142, and in any premises, wherever situate, in which there is a water-closet or privy connected with a municipal drain, it shall not be lawful, except with the written permission of the Commissioner, for any person, who is not employed by or on behalf of the Commissioner, to discharge any of the duties of halálkhors.

Halálkhors' duties in certain cases may not be discharged by private individuals without the Commissioner's permission.

372. No person—

(a) who is bound, under section 368 or section 370, to cause the removal of dust, ashes, refuse and rubbish, or of excrementitious or polluted matter, shall allow the same to accumulate on his premises for more than twenty-four hours, or neglect to cause the same to be removed to the depôt, receptacle or place provided or appointed for the purpose;

Prohibition of—
failure to remove refuse, &c., when bound to do so;

(b) shall remove any dust, ashes, refuse or rubbish, or any excrementitious or polluted matter, otherwise than in conformity with the requirements of any public or written notice at the time being in force under section 368, or use for the removal of any excrementitious or polluted matter

removal of refuse, etc., contrary to orders or without proper precautions;

(Chap. XV.—Sanitary Provisions.
Sec. 373.)

any vehicle or vessel not having a covering proper for preventing the escape of any portion of the contents thereof or of the stench therefrom ;

failure to
clear away
any refuse,
etc., which
drops
during
removal ;

(c) shall, whilst engaged in the removal of any dust, ashes, refuse or rubbish, or of any excrementitious or polluted matter, fail forthwith thoroughly to sweep and cleanse the spot in any street upon which, during removal, any portion thereof may fall, and entirely to remove the sweepings ;

leaving
filth carts,
etc., un-
necessarily
in the
streets ;

(d) shall place or set down in any street any vehicle or vessel for the removal of excrementitious or polluted matter, or suffer the same to remain in any street for any greater length of time than is reasonably necessary ;

throwing
or placing
refuse, etc.,
in any place
not assign-
ed for the
purpose ;

(e) shall throw or place any dust, ashes, refuse or rubbish, or any excrementitious or polluted matter, on any street, or in any place not provided or appointed for this purpose under section 367 or 368 ;

allowing
filthy
matter
to flow or
soak from
any pre-
mises, and
keeping
anything
thereupon
so as to
create a
nuisance.

(f) who is the owner or occupier of any building or land, shall allow any filthy matter to flow, soak or be thrown therefrom, or keep or suffer to be kept therein or thereupon, anything so as to be a nuisance to any person, or negligently suffer any privy-receptacle or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

Presump-
tion as to
offender
under
clause (e)
of section
372.

373. If it shall in any case be shown that dust, ashes, refuse or rubbish, or any excrementitious or polluted matter, has or have been thrown or placed on any street or place, in contravention of clause (e) of the last preceding section, from some building or land, it shall be presumed, until the contrary is proved, that the said offence has been committed by the occupier of the said building or land.

(*Chap. XV.—Sanitary Provisions.*
Secs. 374-377.)

Inspection and Sanitary Regulation of Premises.

374. The Commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

Power to inspect premises for sanitary purposes.

375. If it shall appear to the Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected, to cause the same or some portion thereof to be lime-washed or otherwise cleansed, either externally or internally, or both externally and internally.

Cleansing and lime-washing of any building may be required.

376. If any premises, by reason of their being abandoned or unoccupied, become a resort of disorderly persons or, in the opinion of the Commissioner, a nuisance, the Commissioner, after such inquiry as he deems necessary, may give written notice to the owner of such premises, if he be known and resident within the city, or to any person who is known or believed to claim to be the owner, if such person is resident within the city, and shall also affix a copy of the said notice on some conspicuous part of the said premises, requiring all persons having any right of property or interest therein to take such order with the said premises as shall, in the opinion of the Commissioner, be necessary to prevent the same from being resorted to as aforeaid or from continuing to be a nuisance.

Abandoned or unoccupied premises.

377. (1) If it shall appear to the Commissioner that any premises are overgrown with rank and noisome vegetation or are otherwise in an unwholesome or filthy condition or, by reason of their not being properly enclosed, are resorted to by the public for purposes of nature, or are otherwise a nuisance to the neighbouring inhabitants, the Commissioner may, by written notice, require the owner or occupier of such premises to cleanse, clear or enclose the same, or, with the approval of the

Neglected premises.

(Chap. XV.—Sanitary Provisions.
Secs. 378-379.)

standing committee, may require him to take such other order with the same as the Commissioner thinks necessary :

(2) Provided that, in so far as the unwholesome or filthy condition of such premises or such nuisance as above-mentioned is caused by the discharge from or by any defect in the municipal drains or appliances connected therewith, it shall be incumbent on the Commissioner to cleanse such premises.

Buildings
unfit for
human
habitation.

378. (1) If, for any reason, any building intended for or used as a dwelling shall appear to the Commissioner to be unfit for human habitation, he may apply to the Chief Presidency Magistrate to prohibit the further use of such building for such purpose; and the said Magistrate, after such inquiry as he thinks fit to make, may, by written order, make a prohibition as aforesaid or may pass such other order as he shall deem just and proper.

(2) When any such prohibition has been made, no owner or occupier of such building shall use or suffer the same to be used for human habitation, until the Commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the Chief Presidency Magistrate, by a written order, withdraws the prohibition aforesaid.

Power of
Commissioner
to call for
statement of
accommoda-
tion.

[a] **379.** (1) The owner of a building shall, within a period of seven days after receipt of a written notice from the Commissioner, sign and give a certificate of the following particulars with respect to such building or any part thereof :

- (a) the total number of rooms in the building,
- (b) the length, breadth and height of each room, and

[a] Section 379 was substituted for the original section by Bom. V of 1906, s. 55.

(*Chap. XV.—Sanitary Provisions.*
[Sec. 379A.])

(c) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement.

(2) The occupier of a building or of any part of a building occupied as a separate tenement shall, on like notice and within the like period, sign and give a certificate of the following particulars with respect to such building or part of such building as aforesaid which is in his occupation :

(a) the total number of persons dwelling in the building or any part of it,

(b) the manner of use of each room by day and by night, and

(c) the number, sex and age of the occupants of each room used for sleeping.

[a] **379A.** (1) Where it appears to the Commissioner, whether from any certificate furnished under section 379 or otherwise, that any building or any room or rooms therein used for human habitation is overcrowded, he may apply to a Presidency Magistrate to prevent such overcrowding; and the said Magistrate, after such inquiry as he thinks fit to make, may prescribe the maximum number of persons to be accommodated in each room and may, by written order, require the owner of the building, within a reasonable time not exceeding ten days to be prescribed in the said order, to abate the overcrowding thereof; by reducing the number of lodgers, tenants, or other inmates of the said building or room or rooms, in accordance with the maximum so prescribed and to the satisfaction of the Commissioner, or may pass such other order as he may deem just and proper.

Overcrowded
dwellings.

(2) Where the owner of the said building has sublet the same, the landlord of the lodgers, tenants

*(Chap. XV.--Sanitary Provisions.
Sec. 380.)*

or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the said building. *

(3) Every tenant, lodger or other inmate of the said building shall vacate on being required by the owner so to do in pursuance of any order under subsection (1).

(4) A room used exclusively as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmate is less than twenty-five superficial feet and for each person under the age of ten years less than twelve and one half superficial feet, or when the air space for each adult inmate is less than two hundred and fifty cubic feet, two children under ten years of age counting as one adult.

(5) A room not exclusively used as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmate is less than thirty superficial feet, and for each person under the age of ten years less than fifteen superficial feet, or when the air space for each adult inmate is less than three hundred cubic feet, two children under ten years of age counting as one adult.

Insanitary
huts and
sheds.

380. If the Commissioner is of opinion that any hut or shed, used either as a dwelling or as a stable or for any other purpose, is likely, by reason of its being built without a plinth or upon a plinth of insufficient height or without proper means of drainage, or on account of the impracticability of scavenging, or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any

(Chap. XV.—Sanitary Provisions.
Secs. 381-383.)

reason likely to endanger the public health or safety ;

he may, by written notice, which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof, or the owner of the land on which such hut or shed stands, to remove or alter such hut or shed or to take such order for the improvement thereof as the Commissioner shall deem necessary.

381. If, in the opinion of the Commissioner, any pool, ditch, tank, pond, well, quarry-hole, low ground or stagnant water is or is likely to become a nuisance, the Commissioner may, with the approval of the standing committee, by notice in writing, require the owner thereof to cleanse, fill up, drain off or remove the same or to take such other order therewith as the Commissioner shall deem necessary.

Filling in of pools, etc., which are a nuisance.

382. If, in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner may, with the approval of the standing committee, by written notice, require the owner of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place, or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Dangerous quarrying may be stopped.

383. (1) If, in the opinion of the Commissioner,—

(a) any hedge is at any time insufficiently cut or trimmed, or overgrown with prickly-pear or other rank vegetation ; or

Removal and trimming of trees, shrubs and hedges.

(Chap. XV.—Sanitary Provisions.
Sec. 384.)

- (b) any tree or shrub has fallen or is likely to fall, to the danger of public safety, or over-hangs or obstructs any street to the inconvenience or danger of passengers therein;

the Commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing—

- (c) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet, and to remove any such prickly-pear or other rank vegetation therefrom; or
- (d) to remove, cut, lop or trim such tree or shrub, as the case may be.

(2) In any case falling under clause (b), the Commissioner may, if for the public safety it shall appear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed, without previously giving the said owner or occupier notice as aforesaid, and the expenses thereof shall, nevertheless, be paid by the owner or occupier.

Keeping and Destruction of Animals and Disposal of Carcasses.

384. (1) No person shall—

- (a) without the written permission of the Commissioner, or otherwise than in conformity with the terms of such permission, keep any swine in any part of the city;
- (b) keep any animal on his premises so as to be a nuisance or dangerous to any person;
- (c) feed any animal, or suffer or permit any animal to be fed or to feed, with or upon excrementitious matter, dung, stable-refuse or other filthy matter.

Prohibi-
tions as to
keeping
animals.

(Chap. XV.—Sanitary Provisions:
Secs. 385-386.)

(2) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the Commissioner shall direct. No claim shall lie for compensation for any swine so destroyed.

385. (1) The occupier of any premises in or upon which any animal shall die or upon which the carcass of any animal shall be found, and the person having the charge of any animal which dies in a street or in any open place, shall, within three hours after the death of such animal, or if the death occurs at night, within three hours after sunrise, either—

Removal of
carcasses of
dead
animals.

- (a) remove the carcass of such animal to some receptacle, depôt or place appointed by the Commissioner under clause (b) of section 367 for the temporary deposit or final disposal of such carcasses, or
- (b) report the death of the animal to an officer of the health department of the division of the city in which the death occurred, with a view to his causing the same to be removed.

(2) When any carcass is so removed by the health department, a fee for the removal, of such amount as shall be fixed by the Commissioner shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the same died.

Regulation of Public Bathing, Washing, &c.

386. The Commissioner may from time to time set apart portions of the seashore or other suitable places vesting in the corporation for use by the public for bathing, for the washing of animals or for drying clothes, and may from time to time, by public notice, prohibit the use by the public of any portion of the seashore or place not vesting in the corporation for any of the said purposes.

Places for
public bath-
ing, etc., to
be fixed by
the Com-
missioner.

*(Chap. XV.—Sanitary Provisions.
Secs. 387-388.)*

Regulation
of use of
public bath-
ing places,
etc.

387. (1) The Commissioner may, by public notice, regulate the use by the public—

- (a) of any portion of the seashore or other place vesting in the corporation set apart by him for any purpose under the last preceding section ;
- (b) of any portion of the seashore or other place not vesting in the corporation used, with his acquiescence, for any purpose mentioned in the last preceding section ;
- (c) of any work and of the water in any work assigned and set apart under section 270 for any particular purpose.

(2) In the case of any portion of the seashore or of any place or work set apart, assigned or used as aforesaid for bathing, the Commissioner may, in such notice, prescribe the times and places of bathing for persons of each sex.

Prohibition
of bathing,
etc., con-
trary to order
or regulation.

388. Except as permitted by any order or regulation made under section 270, 386 or 387, no person shall—

- (a) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of the seashore or other place vesting in the corporation ;
- (b) wash or cause to be washed in or near any such place or work, any animal, clothes or other article ;
- (c) throw, put or cause to enter into the water in any such place or work, any animal or other thing ;
- (d) cause or suffer to drain into or upon any such place or work, or to be brought thereinto or thereupon, anything, or do anything, whereby the water shall be in any degree fouled or corrupted ;

(Chap. XV.—Sanitary Provisions.
Secs. 389-390.)

(e) dry clothes in or upon any such place.

And no person shall—

(f) in contravention of any prohibition made by the Commissioner under section 386, use any portion of the seashore or any place not vesting in the corporation for any purpose mentioned in the said section ;

(g) contravene any regulation made by the Commissioner under section 387 for the use of any such portion of the seashore or place for any such purpose.

389. No person shall—

(a) steep in any tank, reservoir, stream, well or ditch any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health ;

Prohibition of corruption of water by steeping therein animal or other matter, etc.

(b) whilst suffering from any contagious or loathsome disease, bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of the seashore.

Regulation of Factories, Trades, &c.

390. (1) No person shall newly establish in any premises any factory, workshop or workplace in which it is intended that steam, water or other mechanical power shall be employed, without the previous written permission of the Commissioner.

Factory, etc., not to be newly established without permission of the Commissioner.

(2) The Commissioner may refuse to give such permission if he shall be of opinion that the establishment of such factory, workshop or workplace in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood.

(Chap. XV.—Sanitary Provisions.
Secs. 391-392.)

Furnaces
used in
trade or
manufacture
to consume
their own
smoke.

391. (1) No person shall—

- (a) use or permit to be used any furnace employed for the purpose of any trade or manufacture, which does not, so far as practicable, consume its own smoke; or
- (b) so negligently use or permit to be used any such furnace as that it shall not, as far as practicable, consume its own smoke.

(2) Nothing in this section shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for the repair of streets.

Sanitary
regulation
of factories,
bakehouses,
etc.

392. (1) Whenever it shall appear to the Commissioner that any factory, bakehouse, workshop or workplace, or any building or place in which steam, water or other mechanical power is employed, is not kept in a cleanly state or is not ventilated in such a manner as to render harmless, as far as practicable, any gas, vapour, dust or other impurity generated in the course of the work carried on therein, which is a nuisance,

or is so overcrowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein,

or that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb;

the Commissioner may, by written notice, require the owner of such factory, bakehouse, workshop, workplace or other building or place to take such order for putting and maintaining the same in a cleanly state, or for ventilating the same, or for preventing the same from being overcrowded, or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein, as he shall think fit.

(Chap. XV.—Sanitary Provisions.
Secs. 393-394.)

Bom.
III of
1887.

XV of
1881.

(2) Nothing in this section shall be deemed to affect any provision of the Bombay Boiler Inspection Act, 1887 [a], and nothing in this section which relates to the fixing or fencing of any engine, mill-gearing, hoist or other machinery shall apply in any factory to which the provisions of the Indian Factory Act, 1881, are applicable.

393. (1) No person shall, without the written permission of the Commissioner, use or employ in any factory or any other place, any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed.

Prohibition of use of steam-whistle or steam-trumpet without permission of the Commissioner.

(2) The Commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same:

(3) Provided that nothing in sub-section (2) shall be deemed to require one month's notice to be given by the Commissioner, if he suspends or revokes any such permission for any reason specified in sub-section (3) of section 479.

394. (1) No person shall use any premises for any of the purposes hereinbelow mentioned, without, or otherwise than in conformity with the terms of, a license granted by the Commissioner in this behalf, namely—

Certain trades not to be carried on without license.

(a) any of the purposes specified in Schedule M;

(b) any purpose which is, in the opinion of the Commissioner, dangerous to life, health or property, or likely to create a nuisance;

(c) keeping horses, cattle or other four-footed animals for sale or hire or for sale of the produce thereof;

[a] Bom. III of 1887 is repealed by Bom. II of 1891.

(Chap. XV.—Sanitary Provisions.
Sec. 395.)

(d) storing for other than domestic use, or selling timber, firewood, charcoal, coal, coke, ashes, hay, grass, straw or any other combustible thing.

(2) Every person, to whom a license is granted by the Commissioner to use any premises for any of the purposes mentioned in sub-section (1), shall keep affixed in a conspicuous part of the said premises a board upon which shall be legibly written in English, and also in either Maráthi, Gujaráti or Urdu, the following particulars, namely—

(e) the licensee's name;

(f) the purpose for which and the limitations and conditions subject to which the license is granted;

(g) any other details relating to the license or the terms thereof, which the Commissioner from time to time thinks fit to require.

(3) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, wool, silk or jute.

~ Prohibition
of corruption
of water by
chemicals,
etc.

395. (1) No person engaged in any trade or manufacture specified in Schedule M shall—

(a) wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for water belonging to the corporation, or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid;

(b) wilfully do any act connected with any such trade or manufacture as aforesaid, whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for water is fouled or corrupted.

(Chap. XV.—*Sanitary Provisions.*
Sec. 396.)

(2) The Commissioner may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade as aforesaid, lay open and examine the said works, pipes or conduits;

and if, upon such examination, it appears that sub-section (1) has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination and of any measure which the Commissioner shall, in his discretion, require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof or through whose neglect or fault the said sub-section has been contravened;

but if it appear that there has been no contravention of the said sub-section, the said expenses and compensation for any damage occasioned by the said laying open and examination shall be paid by the Commissioner.

396. (1) The Commissioner may at any time, by day or by night, without notice, enter into or upon any premises used for any of the purposes mentioned in section 394, and upon any premises in which a furnace is employed for the purpose of any trade or manufacture, and into any bakehouse, in order to satisfy himself as to whether any provision of this Act or any by-law made under this Act at the time in force or any condition of any license granted under this Act is being contravened, and as to whether any nuisance is created upon such premises.

Inspection
of premises
used for
manufactures,
etc.

(Chap. XV.—Sanitary Provisions.
Secs. 397-399.)

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry : Provided that force shall not be used for effecting an entry, unless when there is reason to believe that an offence is being committed against some provision of this Act or some by-law made under this Act.

Regulation
of washing
of clothes by
washermen.

397. (1) The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he shall appoint for this purpose ; and, when any such prohibition has been made, no person who is by calling a washerman shall wash clothes at any place not appointed for this purpose by the Commissioner, except for such person himself or for the owner or occupier of such place.

Washing-
places to be
provided by
the Commis-
sioner for
washermen.

(2) The Commissioner shall provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use of any such place as shall from time to time be determined by the Commissioner, with the approval of the standing committee.

*Maintenance and Regulation of Markets
and Slaughter-houses.*

What to be
deemed
municipal
markets and
slaughter-
houses.

398. All markets and slaughter-houses which belong to or are maintained by the corporation shall be called "municipal markets" or "municipal slaughter-houses." All other markets and slaughter-houses shall be deemed to be private.

Provision of
new municip-
al markets
and slaughter-
houses.

399. (1) The Commissioner, when authorized by the corporation in this behalf, may construct, purchase or take on lease any building or land for the purpose of establishing a new municipal market or a new municipal slaughter-house or of extending or improving any existing municipal market or

(Chap. XV.—Sanitary Provisions.
Secs. 400-402.)

slaughter-house, and may from time to time build and maintain such municipal markets and slaughter-houses and such stalls, shops, sheds, pens and other buildings or conveniences for the use of the persons carrying on trade or business in, or frequenting, such municipal markets or slaughter-houses, and provide and maintain in such municipal markets such buildings, places, machines, weights, scales and measures for weighing and measuring goods sold therein, as he shall think fit.

(2) Municipal slaughter-houses may be situate within or, with the sanction of Government, without the city.

400. The Commissioner may, with the sanction of the corporation and of Government, at any time, close any municipal market or slaughter-house; and the premises occupied for any market or slaughter-house so closed may be disposed of as the property of the corporation.

Municipal markets and slaughter-houses may be closed.

401. (1) No person shall, without a license from the Commissioner, sell or expose for sale any animal or article in any municipal market.

Prohibition of sale in a municipal market without license of Commissioner.

(2) Any person contravening this section may be summarily removed by the Commissioner or by any municipal officer or servant.

402. (1) The corporation shall from time to time determine whether the establishment of new private markets shall be permitted in the city or in any specified portion of the city.

Opening of new private markets.

(2) No person shall establish a new private market for the sale of, or for the purpose of exposing for sale, animals intended for human food, or any other article of human food, except with the sanction of the Commissioner, who shall be guided in giving such sanction by the decisions of the corporation at the time in force under sub-section (1).

*(Chap. XV.—Sanitary Provisions.
Sec. 403.)*

(3) When the establishment of a new private market has been so sanctioned, the Commissioner shall cause a notice of such sanction to be affixed in the English, Maráthi, Gujaráti and Urdu languages on some conspicuous spot on or near the building or place where such market is to be held.

Private
markets not
to be kept
open without
a license.

403. (1) No person shall without, or otherwise than in conformity with the terms of, a license granted by the Commissioner in this behalf—

- (a) keep open a private market ;
- (b) use any place in the city as a slaughter-house or for the slaughtering of any animal intended for human food ;
- (c) use any place without the city, whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in the city :

(2) Provided that—

- (d) the Commissioner shall not refuse, cancel or suspend any license for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some regulation framed under section 406 or with some by-law made under this Act, at the time in force; and shall not cancel or suspend any such license without the approval of the standing committee ;
- (e) nothing in this section shall be deemed to prevent the Commissioner from granting written permission for the slaughter of an animal in any place that he thinks fit, on the occasion of any festival or ceremony or under special circumstances.

(3) When the Commissioner has refused, cancelled or suspended any license to keep open a

(Chap. XV.—Sanitary Provisions.
Secs. 404-406.)

private market, he shall cause a notice of his having so done to be affixed in the English, Maráthi, Gujaráti and Urdu languages on some conspicuous spot on or near the building or place where such market has been held.

404. No person who knows that any private market has been established without the sanction of the Commissioner, or is kept open after a license for keeping the same open has been refused, cancelled or suspended by the Commissioner, shall sell or expose for sale therein any animal or article of food.

Prohibition of sale in unauthorised private markets.

405. The Commissioner may, by written notice, require the owner, farmer or occupier of any private market or slaughter-house, to cause—

Provision for requiring private market-buildings and slaughter-houses to be properly paved and drained.

(a) the whole or any portion of the floor of the market-building, market-place or slaughter-house to be paved with dressed stone or other suitable material ;

(b) such drains to be made in or from the market-building, market-place, or slaughter-house, of such material, size and description, at such level and with such out-fall, as to the Commissioner may appear necessary.

406. The Commissioner may, with the approval of the standing committee from time to time make regulations, not inconsistent with any provision of this Act or of any by-law made under this Act at the time in force—

Regulations to be framed for markets and slaughter-houses.

(a) for preventing nuisances or obstruction in any market-building, market-place or slaughter-house or in the approaches thereto ;

(b) fixing the days and the hours on and during which any market or slaughter-house may be held or kept open for use ;

*(Chap. XV.—Sanitary Provisions.
Sec. 407.)*

- (c) for keeping every market-building, market-place and slaughter-house in a cleanly and proper state, and for removing filth and refuse therefrom ;
- (d) requiring that any market-building, market-place or slaughter-house be properly ventilated and be provided with a sufficient supply of water ;
- (e) requiring that in market-buildings and market-places, passages be provided between the stalls of sufficient width for the convenient use of the public.

Levy of stall-ages, rents and fees in municipal markets and slaughter-houses.

407. The Commissioner may —

- (a) charge for the occupation or use of any stall, shop, standing, shed or pen in a municipal market or slaughter-house, and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any such market and for the right to slaughter animals in any municipal slaughter-house, such stall-ages, rents and fees as shall from time to time be fixed by him, with the approval of the standing committee, in this behalf ; or
- (b) with the approval of the standing committee, farm the stallages, rents and fees leviable as aforesaid or any portion thereof, for any period not exceeding one year at a time ; or
- (c) put up to public auction, or, with the approval of the standing committee, dispose of, by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a municipal market or slaughter-house for such term and on such conditions as he shall think fit.

(Chap. XV.—Sanitary Provisions.
Secs. 408-411.)

408. (1) A printed copy of the regulations and of the table of stallages, rents and fees, if any, in force in any market or slaughter-house under the two last preceding sections, in the English, Maráthi, Gujaráti and Urdu languages, shall be affixed in some conspicuous spot in the market-building, market-place or slaughter-house.

Regulations and table of stallage-rents to be posted up in markets and slaughter-houses.

(2) No person shall, without authority, destroy, pull down, injure or deface any copy of any regulation or table so affixed.

409. The Commissioner may expel from any municipal market or slaughter-house any person, who or whose servant has been convicted of contravening any by-law made under this Act, or any regulation made under section 406, at the time in force in such market or slaughter-house and may prevent such person, by himself or his servants, further carrying on any trade or business in such market or slaughter-house or occupying any stall, shop, standing, shed, pen or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

Power to expel persons contravening by-laws or regulations.

Sale of Articles of Food outside of Markets.

410. (1) Except as hereinafter provided, no person shall, without a license from the Commissioner, sell or expose for sale any four-footed animal or any meat or fish intended for human food, in any place other than a municipal or private market:

Prohibition of sale of animals, &c., except in a market.

(2) Provided that nothing in sub-section (1) shall apply to fresh fish sold from, or exposed for sale in, a vessel in which it has been brought direct to the seashore after being caught at sea.

Licensing of Butchers, &c.

411. No person shall without, or otherwise than in conformity with the terms of, a license granted by the Commissioner in this behalf—

Butchers and persons who sell the flesh of animals to be licensed.

(Chap. XV.—Sanitary Provisions.
Secs. 412-413.)

- (a) carry on within the city, or at any municipal slaughter-house, the trade of a butcher ;
- (b) use any place in the city for the sale of the flesh of any animal intended for human food, or any place without the city for the sale of such flesh for consumption in the city.

Prohibition of
import of
cattle, &c.,
into the city.

412. (1) No person shall, without the written permission of the Commissioner, bring into the city any cattle, sheep, goat or swine intended for human food, or the flesh of any such animal, which has been slaughtered at any slaughter-house or place not maintained or licensed under this Act.

(2) Any animal or flesh brought into the city in contravention of this section may be seized by the Commissioner or by any municipal officer or servant and be sold or otherwise disposed of as the Commissioner shall direct. The proceeds, if any, shall belong to the corporation.

(3) Nothing in this section shall be deemed to apply to cured or preserved meat.

Inspection of Places of Sale, &c.

Commissioner
may enter
any place
where slaugh-
ter of animals
or sale of flesh
contrary to
the provisions
of this Act is
suspected.

413. (1) If the Commissioner shall have reason to believe that any animal intended for human food is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorised under the provisions of this Act, the Commissioner may at any time, by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provision of this Act or of any by-law made under this Act at the time in force is being contravened thereat.

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry.

(Chap. XV.—Sanitary Provisions.
Secs. 414-415.)

414. It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale and intended for human food or for medicine, the proof that the same was not exposed or hawked about or deposited or brought for any such purpose or was not intended for human food or for medicine resting with the party charged.

Commissioner
to provide for
inspection of
articles
exposed for
sale for
human food.

415 (1) The Commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensil or vessel used for preparing, manufacturing or containing the same.

Unwholesome
articles, &c.,
to be seized.

(2) If any such animal or article appears to the Commissioner to be diseased or unsound or unwholesome or unfit for human food or for medicine, as the case may be, or is not what it is represented to be, or if any such utensil or vessel is of such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be,

he may seize and carry away such animal, article, utensil or vessel, in order that the same may be dealt with as hereinafter provided.

[^a] *Explanation.*—Any article exposed, hawked about, deposited in or brought to any place as aforesaid for sale as ghee, which contains any substance not exclusively derived from milk, shall be deemed for the purposes of this section and of sections 417 and 417A to be an article which is not what it is represented to be.

[^a] This explanation was added to s. 415 by Bom. II of 1898, s. 5 (1) (a).

*(Chap. XV.—Sanitary Provisions.
Secs. 416-417A.)*

Disposal of
perishable
articles seized
under section
416.

416. If any meat, fish, vegetable or other article of a perishable nature be seized under the last preceding section and the same is, in the opinion of the Commissioner, diseased, unsound, unwholesome or unfit for human food or for medicine, as the case may be,

the Commissioner shall cause the same to be forthwith destroyed in such manner as to prevent its being again exposed for sale or used for human food or for medicine, and the expenses thereof shall be paid by the person in whose possession such article was at the time of its seizure.

Disposal of
animals and
articles of a
non-perishable
nature seized
under sec-
tion 415.

417. (1) Any animal and any article not of a perishable nature and any utensil or vessel seized under section 415 shall be forthwith taken before a Presidency Magistrate.

(2) If it shall appear to such Magistrate that any such animal or article is diseased, unsound or unwholesome or unfit for human food, or for medicine, as the case may be, or is not what it was represented to be or that such utensil or vessel is of such kind or in such state as aforesaid,

[^a] he may, and if it is diseased, unsound, unwholesome or unfit for human food and unfit for medicine he shall, cause [^a] the same to be destroyed, at the charge of the person in whose possession it was at the time of its seizure, in such manner as to prevent the same being again exposed or hawked about for sale or used for human food or for medicine, or for the preparation or manufacture of, or for containing, any such article as aforesaid.

Penalty for
representing

[^b] **417A.** (1) In every case in which any article represented to be

[^a—^a] These words were substituted for the original words by Bom. II of 1899, s. 6 (1) (a).

[^b] Section 417A and proviso were inserted by Bom. II of 1899, s. 5 (1) (b) and (3) (a).

(Chap. XV.—Sanitary Provisions.
Sec. 417A.)

(a) ghee, or

(b) food of a kind to which by virtue of ^{any article to be what it is not.} a notification under the Bombay Prevention of Adulteration Act, 1899, the provisions of this section are for the time being applicable,

appears to the Magistrate dealing therewith under section 417, not to be what it is represented to be, the owner thereof or person in whose possession the same was found, not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees :

Act XLV
of 1860.

(2) Provided that when any article of food referred to in sub-section (1) appears to the Magistrate not to be what it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offence shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the Magistrate — ^{Protection to persons acting in good faith.}

(a) that such substance has been added to the article of food, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or conceal the inferior quality thereof, or

(b) that in the process of production, preparation or conveyance of such article of food, the extraneous substance has unavoidably become intermixed therewith, or

(c) that, by a label distinctly and legibly written or printed on or with the said article of food or by other means of public description, he has given sufficient notice that such substance has been so added, or

(Chap. XV.—Sanitary Provisions.
Secs. 417B-418.)

(d) that —

(i) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(ii) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(iii) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.

Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food.

[^a] 417B. In every case in which food, on being dealt with under section 417, appears to the Magistrate to be diseased, unsound or unwholesome or unfit for human food, the owner thereof or the person in whose possession it was found, not being merely bailee or carrier thereof shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees. Act XLV of 1890.

Application for summons to be refused if not applied for within reasonable time.

[^a] 417C. In all prosecutions under section 417A or 417B the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

Weights and Measures.

Provision of standards of local weights and measures.

418. (1) The Commissioner shall from time to time provide such local standards of measure and weight [^b] as he deems requisite for the purpose of

[^a] Sections 417B and 417C were inserted by Bom. II of 1890, s. 6(1) (b). [^b] It is provided by s. 7 of the Measures of Length Act, 1889, that the Municipal Commissioner in the City of Bombay shall keep, under Bom. III of 1886, s. 418, such certified measures of the standard yard, standard foot and standard inch as are mentioned in s. 5 of the former Act.

(Chap. XV.—Sanitary Provisions.
Secs. 419-421.)

verification of weights and measures in use in the city and shall make such arrangement as he shall think fit for the safe keeping of the said standards.

(2) The Commissioner shall also provide from time to time proper means for verifying weights and measures by comparison with the said standards and for stamping the weights and measures so verified.

419. (1) The Commissioner shall from time to time fix the times and places at which some municipal officer appointed by him in this behalf shall attend for the purpose of the verification of weights and measures. Verification and stamping of weights and measures by municipal officer.

(2) The municipal officer so appointed, shall attend, with the local standards in his custody, at each time and place fixed, and shall examine every measure or weight which is of the same denomination as one of such standards and is brought to him for the purpose of verification, and compare the same with that standard, and, if he find the same correct, shall stamp it with a stamp of verification in such manner as best to prevent fraud.

(3) The said municipal officer shall enter in a book kept by him minutes of every such verification and give, if required, a certificate under his hand of every such stamping.

420. There shall be payable to the corporation in respect of the verification and stamping of weights and measures by a municipal officer as aforesaid such fees as the Commissioner, with the approval of the corporation, from time to time fixes in this behalf. Fees for comparison and stamping.

Prevention of Spread of Dangerous Diseases.

421. Every medical practitioner who treats or becomes cognizant of the existence of any dangerous disease in any private or public dwelling, other Information to be given of existence of dangerous disease.

*(Chap. XV.—Sanitary Provisions.
Secs. 422-424.)*

than a public hospital, shall give information of the same with the least practicable delay to the executive health officer. The said information shall be communicated in such form and with such details as the executive health officer, with the consent of the Commissioner, may from time to time require.

Any place may at any time be inspected for purpose of preventing spread of dangerous disease.

422. The Commissioner may at any time, by day or by night, without notice, or after giving such notice of his intention as shall, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he shall think fit to prevent the spread of the said disease beyond such place.

Prohibition of use for drinking of water likely to cause dangerous disease.

423. (1) If it shall appear to the Commissioner that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water for the purpose of drinking.

(2) No person shall remove or use for the purpose of drinking any water in respect of which any such public notice has been issued.

Commissioner may order removal of patients to hospital.

424. (1) The Commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the executive health officer or by any duly qualified medical practitioner, direct or cause the removal of any person who is, in the opinion of such executive health officer or other medical practitioner, without proper lodging or accommodation, or who is lodged in a building occupied by more than one family, and who is suffering from a dangerous disease, to any hospital or place at which patients suffering from the said disease are received for medical treatment.

(2) The person, if any, who has charge of a person in respect of whom an order is made under sub-section (1) shall obey such order.

(Chap. XV.—Sanitary Provisions.
Secs. 425-427.)

425. (1) If the Commissioner is of opinion that the cleansing or disinfecting of a building, or of a part of a building, or of any article therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease, he may, by written notice, require the owner or occupier of such building to cleanse or disinfect such building or part thereof or article therein and, if it shall appear to the Commissioner necessary, to vacate the said building for such time as shall be prescribed in the said notice: Disinfection of buildings, &c.

(2) Provided that, if, in the opinion of the Commissioner, the owner or occupier is from poverty or other cause unable effectually to comply with such requisition, the Commissioner may cause the building or part of the building or article likely to retain infection to be cleansed or disinfected and defray the cost of so doing.

426. (1) If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed. Destruction of huts and sheds, when necessary.

(2) Compensation may be paid by the Commissioner, in any case which he thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed; but, except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

427. (1) The Commissioner may provide a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected, and in his Place for disinfection may be provided;

*(Chap. XV.—Sanitary Provisions.
Secs. 428-429.)*

discretion may have articles, brought to such place for disinfection, disinfected on payment of such fees as he shall from time to time fix, with the approval of the standing committee, in this behalf, or, in any case in which he thinks fit, free of charge.

also for washing infected articles.

(2) The Commissioner may, from time to time, by public notice appoint a place at which clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed; and no person shall wash any such article at any place not so appointed without having previously disinfected the same.

Infected articles may be destroyed.

(3) The Commissioner may direct the disinfection or destruction of bedding, clothing or other articles likely to retain infection.

(4) The Commissioner may, in his discretion, give compensation for any article destroyed under subsection (3).

Person suffering from dangerous disease not to enter a public conveyance without notifying the same.

428. (1) No person who is suffering from a dangerous disease shall enter a public conveyance without previously notifying to the owner, driver or person in charge of such conveyance that he is so suffering.

(2) Notwithstanding anything contained in any Act relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

Provision of carriages for conveyance of patients.

429. The Commissioner, with the sanction of the corporation, may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease; and when such

(Chap. XV.—*Sanitary Provisions.*
Secs. 430-432.)

conveyances have been provided, it shall not be lawful to convey any such person by any other public conveyance.

430. (1) No person who is suffering from a dangerous disease shall,—

Provisions as to carriage of persons suffering from dangerous disease in public conveyances.

(a) without proper precaution against spreading such disease, cause or suffer himself to be carried in a public conveyance;

(b) cause or suffer himself to be carried in a public conveyance contrary to the provision of the last preceding section.

(2) No person shall go in company with, or take charge of, any person suffering as aforesaid, who causes or permits himself to be carried in a public conveyance in contravention of sub-section (1).

(3) No owner or driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid, in contravention of the said sub-section.

431. The owner, driver or person in charge of a public conveyance in which any person suffering as aforesaid has been carried shall immediately provide for the disinfection of the same.

Public conveyance which has carried a person suffering from dangerous disease to be disinfected.

432. (1) No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease.

Infected articles not to be transmitted, &c., without previous disinfection.

(2) Nothing in this section shall be deemed to apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected.

(Chap. XV.—Sanitary Provisions.
Secs. 433-435.)

Infected
building not
to be let
without
being first
disinfected.

433. (1) No person shall let a building or any part of a building, in which he knows or has reason to know that a person has been suffering from a dangerous disease, without first having such building or part thereof and every article therein likely to retain infection disinfected, to the satisfaction of the executive health officer or of some duly qualified medical practitioner, as testified by such officer's or medical practitioner's certificate.

(2) For the purpose of this section, the keeper of a hotel or inn shall be deemed to let part of his building to any person accommodated in such hotel or inn.

Special Sanitary Measures.

Commissioner
may take
special
measures on
outbreak of
any dangerous
disease.

434. (1) In the event of the city being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being likely to be introduced into the city amongst cattle—including under this expression sheep and goats,—

the Commissioner, if he thinks the ordinary provisions of this Act or of any other law at the time in force are insufficient for the purpose, may, with the sanction of Government,—

(a) take such special measures, and

(b) by public notice prescribe such temporary regulations to be observed by the public or by any person or class of persons,

as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

— (2) The Commissioner shall forthwith report to the corporation any measures taken and any regulations prescribed by him under sub-section (1).

Disposal of the Dead.

Places for
disposal of the
dead to be
registered.

435. Every owner or person having the control of a place used for burying, burning or

*(Chap. XV.—Sanitary Provisions.
Secs. 436-438.)*

otherwise disposing of the dead shall cause the same to be registered in a register which shall be kept by some municipal officer charged by the Commissioner with this duty, and shall deposit in the municipal office at the time of registration a plan of the said place, showing the extent and boundaries thereof, bearing the signature of a licensed surveyor in token of its having been prepared by or under the supervision of such surveyor.

436. If the existing places for the disposal of the dead shall at any time appear to be insufficient, or if any such place is closed under the provisions of section 438, the Commissioner shall, with the sanction of the corporation, provide other fit and convenient places for the said purpose, either within or without the city, and shall cause the same to be registered in the register kept under section 435, and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the extent and boundaries of the same and bearing the signature of the municipal executive engineer.

Provision of new places for disposal of the dead.

437. No place which has never previously been lawfully used as a place for the disposal of the dead and registered as such, shall be opened by any person for the said purpose without the written permission of the Commissioner, who, with the approval of the corporation, may grant or withhold such permission.

New places for disposal of the dead not to be opened without permission of Commissioner.

438. (1) If, from information furnished by competent persons and after personal inspection, the Commissioner shall at any time be of opinion—

Governor in Council may direct the closing of any place for the disposal of the dead.

(a) that any place of public worship is or is likely to become injurious to health by reason of the state of the vaults or graves within the walls of or underneath the same, or in any churchyard or burial-ground adjacent thereto, or

(Chap. XV.—Sanitary Provisions.
Sec. 439.)

(b) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health,

he may submit his said opinion, with the reasons therefor, to the corporation, who shall forward the same, with their opinion, for the consideration of the Governor in Council.

(2) Upon receipt of such opinions, the Governor in Council, after such further inquiry, if any, as he shall deem fit to cause to be made, may, by notification published in the *Bombay Government Gazette* and in the local newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead. Every order so made shall be noted in the register kept under section 435.

(3) On the expiration of two months from the date of any such order of the Governor in Council, the place to which the same relates shall be closed for the disposal of the dead.

(4) A copy of the said notification, with a translation thereof, in the Maráthi, Gujaráti and Urdu languages, shall be affixed on a conspicuous spot on or near the place to which the same relates, unless such place be a place of public worship.

Governor in Council may sanction the re-opening of places which have been closed for the disposal of the dead.

439. (1) If, after personal inspection, the Commissioner shall at any time be of opinion that any place formerly used for the disposal of the dead, which has been closed under the provisions of the last preceding section or under any other law or authority, has by lapse of time become no longer injurious to health, and may without risk of danger be again used for the said purpose, he may submit his said opinion, with the reasons therefor, to the corporation, who shall forward the same, with their opinion, for the consideration of the Governor in Council.

(Chap. XV.—Sanitary Provisions.
Sec. 440.)

(2) Upon receipt of such opinions, the Governor in Council after such further inquiry, if any, as he shall deem fit to cause to be made, may by notification published as aforesaid direct that such place be re-opened for the disposal of the dead. Every order so made shall be noted in the register kept under section 435.

440. (1) No person shall, without the written permission of the Commissioner under sub-section (2),—

(a) make any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah of any place of worship;

Burials within places of worship and exhumations not to be made without the permission of the Commissioner.

(b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 438;

(c) build, dig, or cause to be built or dug, any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered in the register kept under section 435;

V of 1898.

(d) exhume any body except under the provisions of section 176 of the Code of Criminal Procedure, 1898^[*], or of any other law for the time being in force, from any place for the disposal of the dead.

(2) The Commissioner may in special cases grant permission for any of the purposes aforesaid, subject to such general or special orders as the Governor in Council may from time to time make in this behalf.

(3) An offence against this section shall be deemed to be a cognizable offence within the meaning of

[*] This reference to the Criminal Procedure Code, 1898, is altered in accordance with Act V of 1898, s. 3.

*(Chap. XV.—Sanitary Provisions.
Sec. 441.)*

sections 149, 150 and 151 of the Code of Criminal Procedure, 1898 [^a].

V of 1898.

441. .No person shall—

↳ Acts prohibited in connection with the disposal of the dead.

(a) retain a corpse on any premises, without burning, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance;

(b) carry a corpse or part of a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the public health as the Commissioner may, by public notice, from time to time, think fit to require;

(c) except, when no other route is available, carry a corpse or part of a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Commissioner in this behalf;

(d) remove a corpse or part of a corpse, which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle;

(e) whilst conveying a corpse or part of a corpse, place or leave the same on or near any street without urgent necessity;

(f) bury or cause to be buried any corpse or part of a corpse in a grave or vault or otherwise, in such manner as that the surface of the coffin or, when no coffin is used, of the corpse or part of a corpse shall be at a less depth than six feet from the surface of the ground;

(g) build or dig, or cause to be built or dug, any grave or vault in any burial-ground at a less distance than two feet from the margin of any other grave or vault;

[^a] This reference to the Criminal Procedure Code, 1898, is altered in accordance with Act V of 1898, s. 3.

(Chap. XVI.—Vital Statistics. Secs. 442-443.)

(h) build or dig, or cause to be built or dug, a grave or vault in any burial-ground in any line not marked out for this purpose by or under the order of the Commissioner ;

(i) without the written permission of the Commissioner, re-open for the interment of a corpse, or of any part of a corpse, a grave or vault already occupied ;

(k) after bringing or causing to be brought to a burning-ground any corpse, or part of a corpse, fail to burn or cause the same to be burnt within six hours from the time of the arrival thereof at such ground ;

(l) when burning or causing to be burnt any corpse, or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes, or permit any cloth or other article used for the conveyance or burning of such corpse, or part of a corpse, to be removed or to remain on or near the place of burning without its being completely reduced to ashes.

CHAPTER XVI.

VITAL STATISTICS.

Registration of Births and Deaths.

442. For the purpose of registering births and deaths, the Commissioner shall divide the city into such and so many districts and sub-districts as he shall from time to time think fit ; and a municipal officer shall be registrar of births and deaths of each such district.

*Appointment
of registrars.*

443. (1) Every registrar shall reside within the district of which he is registrar and shall cause his name, together with the words "Registrar of Births and Deaths for the district of

*Registrars to
reside in their
respective
districts.*

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